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C O N F I D E N T I A L SECTION 01 OF 03 DAMASCUS 000539

SIPDIS

DEPARTMENT FOR NEA/ELA
NSC FOR GAVITO/SINGH/ABRAMS
PARIS FOR JORDAN; LONDON FOR TSOU

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TAGS: [PGOV](#) [PHUM](#) [PREL](#) [SY](#)
SUBJECT: SARG BEGINS TRIAL OF 12 DAMASCUS DECLARATION
LEADERS

REF: A. DAMASCUS 271
[1](#)B. DAMASCUS 224
[1](#)C. DAMASCUS 176
[1](#)D. DAMASCUS 66

Classified By: Pol/Econ Chief Tim Pounds, for reasons 1.4 b/d.

[1](#)1. (U) This is an action request. See para 15-16.

[1](#)2. (C) Summary: The trial of twelve members of the Damascus Declaration National Council (DDNC) Secretariat began July 30 in front of courtroom packed with diplomats, press, family members, and civil society activists. The presiding judge charged the DD members with a variety of crimes against the state and allowed each defendant to respond to the charges against them. Some observers, pointing to the trial judge's willingness to let the prisoners speak freely and the SARG's recent release of several human rights advocates in unrelated cases, argue the SARG may be trying to avoid the appearance of punishing the accused unjustly. Others described the trial as "nothing new." Given Bashar's stubborn resistance to repeated calls by Western countries to release prisoners of conscience in Syria, we believe a coordinated approach with European partners remains the best way to pressure the SARG. The trial is scheduled to continue on August 26. End Summary.

Largest Group Trial Since 2001 Damascus Spring

[1](#)3. (SBU) On July 30, 12 members of the DDNC Secretariat stood behind bars in front of three judges and some 150 observers, family members, activists, and diplomats to hear charges brought against them. The defendants appeared to be in good spirits, albeit tired. They occasionally waved to their friends and family members in the gallery. The defendants were allowed to make statements after the charges were read by the judge. Statements made by Riad Seif and Talal Abu Dan drew the most attention for their insistence that the DD and the pursuit of a more democratic government in Syria strengthens, rather than weakens the nation.

[1](#)4. (SBU) DD members face charges of "spreading false information which weakens the morale of the nation and national sentiment; joining a secret organization with the aim of modifying the nation's political and economic status; inciting racial and sectarian dissent; and harming the state." On average, convictions for these crimes run a minimum sentence of five years. One contact said DD prisoners would likely receive five year sentences "as usual," commenting that most human rights and civil society

activists had received similar sentences.

Democracy Wanted, but Regime Required

15. (C) Without exception, the defendants' remarks were focused carefully on their desire for peaceful democratic transition and the regime's participation in bringing democracy to Syria. Seif refuted the charges of attempting to weaken the morale of the nation and national sentiment by arguing "democracy is the best means to strengthen the state and the people of Syria." He made references to the successful democratic transitions by the people of Eastern Europe and noted their social benefits from democratic reform.

Mixed Signals

16. (C) Some observers noted the "fair" demeanor of the presiding judge towards the defendants as a sign of possible SARG "opening" to the civil society community. After each defendant spoke, the judge ordered the court reporter to write in the record that the defendants did not call for overthrowing the regime. The gesture, however small, drew compliments from observers and was regarded as "positive step" and suggested the possibility that the regime was not seeking to punish the DD members unjustly. (Note: A pre-trial hearing two weeks ago generated buzz because many took the judge's decision to allow family members to spend

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time with the DD prisoners after the proceedings.)

17. (C) According to a statement regarding the trial made by the DDNC, "there are hints of an opening in the regime's foreign policy, but these gestures alone are not reliable unless they reflect internal policy changes." While many observers and contacts remain optimistic about SARG opening politically, the SARG has not made any concrete policy steps that indicate a tilt towards civil society and human rights in Syria.

18. (C) During a meeting with DD leader Riad Turk (strictly protect) before the trial, he expressed cautious optimism that the SARG's foreign policy advances towards Israel and the West could translate into greater political freedom and democracy in Syria. According to Turk, Asad's diplomatic endeavors on the Golan track, the Doha Accords, and further engagement with the West would eventually create a "general atmosphere of freedom." However, Turk cautioned that despite these rosy projections, the regime was still totalitarian and therefore unwilling to allow government reforms that could potentially empower the opposition.

19. (C) Opposition activist Fawaz Tello (protect) offered dissenting opinions on the positive signals during the trial. He said, "the trial is the same comic play with the same tragic results," and refuted some of his colleagues' notions that the public trial demonstrated the SARG's acceptance of rule of law and transparency. He noted every time Syria succeeded in eroding international efforts to isolate the regime, Bashar typically cracked down on civil society activists, as he did in 2001 against groups participating the Damascus Spring, and again in December 2007-January 2008 as France and other countries engaged Damascus. The regime was able to get away with this behavior due to its tight control of all media outlets and other forms of communication, Tello argued.

A House Divided?

¶10. (C) Before and after the trial, human rights and civil society contacts commented on media reports regarding the high profile July 28 release of Damascus Declaration member Hassan Yunis Qussam and Qussam's withdrawal from the DD. (Note: Days before the trial, the SARG released several civil society members including two DD members, Hassan Qussam and Mahmoud Najar, and four other non-DDNC affiliated Kurdish prisoners. None of these detainees had been charged with a crime.) Some sources characterized the release of these detainees as a SARG attempt to mitigate negative international views of the regime's human rights record. According to contacts at the trial, the security services pressured Qussam to renounce his DD affiliation and his political activities in return for his safety. Qussam attended the trial despite his vow to suspend all forms of political and media activities. Many sources assert that the SARG's heavy influence over media reporting of Qussam's withdrawal from the DD points to a likely regime attempt to drive a wedge among DD members.

Some Detainees Face Grave Medical Conditions

¶11. (C) In a pre-trial meeting with the lawyer of DD detainee Aaref Daliah, we learned Daliah was in grave medical condition and had been moved from solitary confinement at the Adra state security facility to a security facility in the Kafer Sussa suburb of Damascus. According to the lawyer, the regime is considering releasing Daliah on the condition that he not speak out against Asad. Also, the family of DD detainee Kamal Labwani approached us during the trial to inquire about USG assistance for treating Labwani's advanced prostate cancer. According to his relatives, he requires immediate and high quality medical attention that Labwani is unable to receive in prison.

DDNC Statement Post-Trial Statement

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¶12. (SBU) The DDNC issued a July 31 statement on the trial, noting the "normal situation" in which defendants were allowed to respond to charges against them. It called the arrests of the DDNC members "illogical and extraordinary," and demanded the immediate release of DD prisoners and all previous political prisoners, including Daliah and Michel Kilo. The statement also stated, "the prevailing security mentality that dominates the regime's policies toward people and society confiscates freedom and violates human rights."

Diplomatic Reactions

¶13. (C) Representatives from Spain, German, France, the Netherlands, and Canada attended the trial. Contacts in the EU embassies told us that no statements would be made by their capitals at this time. However, there was talk of the possibility that the French was deliberating whether to issue a statement as holder of the EU Presidency.

¶14. (C) Comment: The recent release of Qussam and other human rights advocates may represent a SARG effort to respond positively to French requests for a Syrian gesture on human rights. However, given Asad's stubborn, long-term resistance to releasing the DDNC leaders now on trial, we doubt seriously that these gestures portend a more tolerant Syrian posture toward democracy advocates. We believe the SARG will read the absence of statements by the U.S. and Europeans as a signal that they value engagement with the regime more than the principle of human rights. A coordinated effort among the U.S. and European countries on this issue remains the

best option to pressure the regime. At the very least, coordinating now will help pave the way for a more unified response when/if the trial ends in a conviction and stiff sentences.

¶15. (C) Action request: Post recommends Washington consider consulting European partners on the possibility of making public statements and diplomatic approaches to the SARG calling for immediate release of political prisoners, many of whom are in dire health and in need of urgent medical care.

¶16. (C) Action request continued: Post recommends that a statement from Washington include the following themes:

-- We again condemn the arrest and trial of DDNC members and call for the immediate release of all prisoners of conscience in Syria, many of who are in poor health and in need of urgent medical care.

-- The SARG's prosecution of Damascus Declaration leaders for peaceful political expression does not meet international legal standards. Their behavior neither intended to pose nor posed a threat to the Syrian government or the Syrian people.

-- Rule of law in Syria is lacking. At a legal July 6-8 legal conference in Damascus in which SARG official participated, legal experts from the Syria, Europe, and the U.S. pointed to the absence of rule of law in Syria and the executive's interference in judiciary proceedings as major flaws in Syria's legal system.

-- Every country must make its own determination about whether and how to engage Syria. However, we take issue with President Asad's remark during his July 12-15 visit to Paris that "Syrian policy has not changed; rather, everyone else's policy has changed." On the subject of human rights, we firmly remain and call on others to remain committed to the principles of free speech and association. How a government treats its citizens remains a criterion for the type of relationship we will seek with it.

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